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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/734,503	12/11/2000	Megan Burns	20-EB-2098/624226.288	4306

29391   7590   10/08/2004

BEUSSE BROWNLEE WOLTER MORA & MAIRE, P. A.
390 NORTH ORANGE AVENUE
SUITE 2500
ORLANDO, FL 32801

EXAMINER
STERRETT, JONATHAN G

ART UNIT	PAPER NUMBER
3623	

DATE MAILED: 10/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/734,503	BURNS ET AL.
	Examiner	Art Unit	
	Jonathan G. Sterrett	3623	MW

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12-11-2000*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-28* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date *12/11/00*.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Detailed Action

Claim Objections

1.   Claim 16 objected to because of the following informalities: In line 20, the

term "purchasers", plural, is assumed to be "purchaser", singular, due to the prior

reference in the claim to "purchaser" singular. Appropriate correction is required.

2.   Claim 25 objected to because of the following informalities: In line 11, the

definite article "the" appears to be incorrectly placed. It is assumed to read "use

of at least one" instead of "use of the at least one". Appropriate correction is

required.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4.   Claims 1, 2, 20 and 26 are rejected under 35 U.S.C. 102(a) as being

anticipated by InterGis Inc.'s Product Payback Calculator (Reference A:

TrafficWorld, v264, November 13, 2000. p55. Reference B: archive.org archives

the referenced website as early as March 3, 2000).

Regarding Claim 1, InterGis discloses providing access to information

related to a product to a prospective purchaser of the product via an information

network (Ref A paragraph A); receiving application specific information related to

prospective use of the product from the prospective purchaser via the information

network (Ref A paragraph A); producing data responsive to the application specific information (Reference B: paragraphs D & E) from the prospective purchaser and indicative of a calculated value of the product to the prospective purchaser arising from a prospective purchase and use of the product (Reference B: paragraphs D & E); and communicating the data to the prospective purchaser via the information network (Reference B: paragraphs D & E).

Regarding Claim 2, InterGis discloses all the limitations of Claim 1. InterGis' website also calculates a return on investment parameter responsive to the application specific information (Reference B: paragraphs D & E; Reference A: paragraph A); and communicates the return on investment parameter to the prospective purchaser (Reference A: paragraph A).

Regarding Claim 20, InterGis discloses providing access to information related to a product to a prospective purchaser of the product via an internet website (Ref A paragraph A); requesting application specific information related to prospective use of the product from the prospective purchaser via the internet website (Ref A paragraph A); providing default data so that the prospective purchaser need not provide application specific data (Reference B: paragraph B); producing value data responsive to the application specific information (Reference B: paragraphs D & E) and indicative of a calculated value of the product to the prospective purchaser arising from purchase and use of the product (Reference B: paragraphs D & E); and communicating the data to the prospective purchaser via the internet site (Reference B: paragraphs D & E).

Claim 26 is rejected under the same rationale as Claims 1 and 20.

5.   Claims 10, 18, 19, 23, 24, 25, 27 and 28 are rejected under 35

U.S.C. 102(a) as being anticipated by Morlok ("Using the Internet to reduce

inventory", Machine Design, June 15, 2000, p166).

Regarding Claim 10, Morlok discloses a method of electronic commerce

containing a database of application information so that a prospective purchaser

can access information related to prospective use of one or more products via an

information network (paragraph A lines 1-2, paragraph G lines 1-2), receiving

application specific information related to the prospective use of at least two of

the products from the prospective purchaser via the information network,

(paragraph G lines 1-2), producing data responsive to the application specific

information from the prospective purchaser and indicative of calculated values of

the products arising from prospective purchase and use of at least two products

(paragraph G lines 1-2), and communicating the data via the global network

(paragraph A lines 1-2, paragraph G lines 3-5).

Regarding Claim 18, Morlok discloses a method of electronic commerce

providing access to information so that a prospective purchaser can access

information related to prospective use of an upgrade product via an information

network (paragraph A lines 1-2, paragraph G lines 4-5), receiving application

specific information related to the prospective use of a product utilizing the

upgrade from the prospective purchaser via the information network (paragraph

G lines 1-2,5), producing a savings parameter for the upgrade product

responsive to the application specific information from the prospective purchaser

(paragraph G lines 4-5), and communicating the savings parameter via the global network (paragraph A lines 1-2, paragraph G lines 3-5). Note the terms "fuel", "vehicle", "locomotive", and "railway" are not granted any patentable weight and are considered to be non-functional descriptive material in the Claim.

Regarding Claim 19, Morlok discloses all the limitations of Claim 18 above. Morlok also discloses receiving application specific information from a prospective purchaser and producing the savings parameter responsive to the application specific information (paragraph G line 2-5). Note the terms "fuel", "terrain profile", and "railway" are not granted any patentable weight and are considered to be non-functional descriptive material in the Claim.

Regarding Claim 23, Morlok discloses a method of electronic commerce between a prospective purchaser and supplier comprising: a supplier providing access to product information via an information network (paragraph A lines 1-2, paragraph G lines 4-5), receiving application specific information related to the prospective use of a product from the prospective purchaser (paragraph G lines 1-2,5), producing a savings parameter for the upgrade product responsive to the application specific information from the prospective purchaser (paragraph G lines 4-5), and communicating the savings parameter via the global network (paragraph A lines 1-2, paragraph G lines 3-5). Note the terms "fleet of vehicles" and "fleet" are not granted any patentable weight and are considered to be non-functional descriptive material in the Claim.

Regarding Claim 24, Morlok discloses the limitations of Claim 23 above. Morlok also discloses: a supplier producing a plurality of data sets (paragraph G

line 1) responsive to application specific information and related to respective

alternative values to the prospective purchaser arising from purchase and use

(paragraph G line 3-4) of a respective alternative plurality of at least one product

and the supplier using the plurality of data to identify a recommended purchase,

communicating the recommended purchase to the prospective purchaser via the

information network (paragraph A lines 1-2, paragraph F lines 1-5, paragraph G

lines 3-5). Note the terms "fleet of vehicles", "sets" and "fleet" are not granted

any patentable weight and are considered to be non-functional descriptive

material in the Claim.

Regarding Claim 25, Morlok discloses an apparatus for conducting

electronic commerce comprising: a supplier data processor having access to

data related to a plurality of products and having access to an information

network (paragraph A lines 1-2), a prospective purchaser data processor having

access to the information network for displaying the data related to the products

and for providing to the supplier data processor application specific data related

to prospective use of at least one of the products by the prospective purchaser

(paragraph G lines 1-2); program instructions executable by the supplier data

processor to generate value data responsive to the application specific data and

representing a calculated value to the prospective purchaser arising from a

prospective purchase and use of at least one of the products (paragraph G lines

3-5). Inherent in Morlok's disclosure is that the website and access to the

website contain a supplier data processor and purchaser data processor for

accessing the information network, executing program instructions, generating

value data and displaying the information thereof. Hosting a website requires a supplier data processor, known generally as a web server, because without the server the website would be inoperative. Also, the purchaser data processor is another type of computer, generally known as a PC. Both have access to the information network, known generally as the Internet, for providing and receiving of information by both supplier and purchaser data processors to occur. Both types of computers comprising both web servers and PC's contain and execute program instructions whether contained internally or received remotely from the information network, i.e. internet, and these program instructions generate value data of all types, including data responsive to application specific data, for example, obtained from a web server to a PC.

Regarding Claim 27, Morlok discloses a method of electronic commerce comprising: providing an internet web site for the exchange of information related to a plurality of products (paragraph A lines 1-2), obtaining information related to an existing product owned by a prospective purchaser via the Internet web site (paragraph G lines 2-3), providing a list of potential replacement products to the prospective purchaser via the Internet website, the list of potential replacement products being responsive to the existing product information (paragraph G lines 2-5), calculating a value parameter comparing each of the potential replacement products to the existing product, the value parameter comprising at least one of a savings, a replacement parameter, and an increased capacity parameter (paragraph G lines 2-5), and communicating the value parameters to the prospective purchasers via the internet website (paragraph G

lines 4-5). Note the terms "locomotive", "locomotives", "replacement", "tonnage" and "fuel" are not granted any patentable weight and are considered to be non-functional descriptive material in the Claim.

Regarding Claim 28, Morlok discloses all of the limitations of Claim 27 above. Morlok discloses receiving application specific information from the prospective purchaser via the Internet website (paragraph G line 3); and calculating a savings parameter responsive to application specific information (paragraph G line 4-5). Note the terms "railroad", "duty cycle" and "fuel" are not granted any patentable weight and are considered to be non-functional descriptive material in the Claim.

Inherent in Morlok's disclosure is that the website and access to the website contain a supplier data processor and purchaser data processor for accessing the information network, executing program instructions, generating value data and displaying the information thereof. Note the terms "vehicle", "vehicles", "locomotive", "replacement", "tonnage", "fuel", "railroad" and "railway" are not granted any patentable weight and are considered to be non-functional descriptive material in the Claim.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 3 and 22 rejected under 35 U.S.C. 103(a) as being unpatentable over InterGis in view of Janovski et al. U.S. Patent 5,726,914.

Regarding Claim 3, InterGis teaches all of the claimed elements of Claims 1, 2 and 3 except for using a color scheme responsive to a level of return on investment parameter. Janovski et al. discloses communicating data via a graphical user interface where displayed graphs utilize color indicative of the status of the displayed parameter (Col 10, lines 35-37 and Figure 4). Janovski teaches that using graphs color coded where the color is indicative of performance status enables users to quickly determine the nature of the data that is displayed. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of InterGis above, with a graphical user interface with a color scheme responsive to a performance parameter as disclosed by Janovski et al. for the purpose of enabling users to quickly determine the performance information of the level of the return on investment parameter.

Regarding Claim 22, InterGis and Pulliam et al. discloses all the limitations of Claim 20 above. InterGis and Pulliam et al. do not disclose presenting the value data using a color scheme wherein the color of a display corresponds to a numeric magnitude of the value data. Janovski et al. does disclose the use of colors in computer-generated graphs to indicate the status of the numeric magnitude in the value data (column 10 lines 38-41). Janovski teaches that the use of different colors in such a display allows users to quickly determine the performance information that has been displayed (column 10 lines 47-48).

Combining the limitations of Claim 20, as disclosed by InterGis, with the ability to color code graphs to enhance the meaning of the displayed data, as disclosed by Janovski et al., would enhance the performance of InterGis website, since users could more quickly ascertain the meaning of parameters produced by the website in response to data provided by a prospective purchaser. Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to combine the limitations disclosed by InterGis with the color coding of numeric graphs to indicate the numeric magnitude of the value data, as disclosed by Pulliam et al. for the explicit reasons discussed therein above.

8.   Claims 4-8, 14, 21 rejected under 35 U.S.C. 103(a) as being unpatentable over InterGis in view of Pulliam et al U.S. Patent 6,609,108.

Regarding Claim 4, InterGis discloses all of the limitations of Claim 1 as noted above. InterGis does not disclose saving at least a portion of the application specific information, and using the saved portion of the application specific information in a further product sales opportunity. Pulliam et al. does disclose saving a portion of a prospective purchaser's application specific information (column 9 lines 21-22), and using the saved portion in a further product sales opportunity (column 10 lines 15-17), since Pulliam et al. notes that this information is saved in a 'prospective buyer database' (column 10 line 18 #336). It is inherent that a 'prospective buyer database' would be used to further target those individuals in the future, i.e. use this information in a further product sales opportunity. And Pulliam et al. teaches that the saved portion of the application specific information can be analyzed to achieve a better

understanding of potential buyer likes and dislikes for future sales opportunities (column 9 lines 25-28). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to combine the teachings of InterGis as noted above, with saving at least a portion of the application specific information; and using the saved portion of the application specific information in a further product sales opportunity, as disclosed by Pulliam et al. for the explicit reasons discussed therein above.

Regarding Claim 5, InterGis discloses all of the limitations of Claim 1 as noted above. InterGis does not teach querying the prospective customer regarding their interest in additional information. Pulliam et al. teaches that the customer may be queried regarding their interest in additional information (column 12 lines 31-33). Querying the customer regarding their interest for additional information is taught by Pulliam et al. as an element that is a favorable alternative leading to a sale (column 7 lines 28-29). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to combine the limitations of Claim 1 as noted above, with querying the customer as to their desire for additional information, as disclosed by Pulliam et al. for the explicit reasons discussed therein above

Regarding Claim 6, InterGis discloses all of the limitations of Claim 1 as noted above. InterGis does not disclose querying the prospective customer regarding their desire to make a purchase. Pulliam et al. teaches querying the prospective customer regarding their desire to make a purchase (column 10 lines 13-14). Querying the customer as to their desire to make a purchase is also a

well-known marketing technique to help close a sale. Therefore it would have

been obvious to one having ordinary skill in the art at the time of the invention to

combine the limitations of Claim 1 as noted above, with querying the customer as

to their desire to make a purchase or for additional information as disclosed by

Pulliam et al. for the explicit reasons discussed therein above.

Regarding Claim 7, InterGis discloses all of the limitations of Claim 1 as

noted above. InterGis does not disclose providing a graphical user interface for

receiving application specific information from the purchaser's data processor.

Pulliam et al. teaches providing a graphical user interface (hereafter referred to

as "GUI") to assist the customer in providing application specific information

(column 9 lines 39-41 and Figure 4). Pulliam teaches that providing the

customer a GUI to simplify the configuration of an automobile is an element that

is a favorable alternative leading to a sale (column 7 lines 28-29). Therefore it

would have been obvious to one having ordinary skill in the art at the time of the

invention to combine the limitations of Claim 1 as noted above, with providing the

customer a GUI to enter application specific information, as disclosed by Pulliam

et al. for the explicit reasons discussed therein above.

Regarding Claim 8, InterGis discloses all of the limitations of Claim 1 as

noted above and Pulliam et al. discloses all the limitations of Claim 7 as noted

above. InterGis discloses using a web browser GUI to display data (Reference

B). It is well known in the art that web browsers display data in a print ready

format. Browser software such as Microsoft Explorer™ and Netscape

Navigator™ are commonly used packages for displaying data transmitted over

an information network such as the Internet. Using a web browser to display

data so that it is displayed in a print-ready format is preferable over using some

other interface means that does not support this a print-ready format. Therefore

it would have been obvious to one having ordinary skill in the art at the time of

the invention to combine the limitations of Claims 1 and 7 with providing data to

the prospective purchaser in a print ready format, as disclosed by Pulliam et al.

for the explicit reasons discussed therein above.

Regarding Claim 14, InterGis discloses a method of electronic commerce

providing access to information related to a product to a prospective purchaser of

the product via an information network, receiving application specific information

related to prospective use of the product from the prospective purchaser via the

information network (Reference B: Item 1), producing data responsive to the

application specific information from the prospective purchaser and indicative of

a calculated value of the product to the prospective purchaser arising from a

prospective purchase and use of the product (Reference B: Paragraphs D & E),

and communicating the data to the prospective purchaser (Reference B:

Paragraphs D & E). InterGis does not disclose using the application specific

information to identify a further sales opportunity. Pulliam et al. discloses using

the application specific information to identify a further sales opportunity (column

9 line 27). Using the application specific information to further identify a sales

opportunity as disclose by Pulliam et al. would improve the method of electronic

commerce, as disclosed by InterGis. The application specific information

obtained from the prospective purchaser could be used in a database to analyze

and better understand customer likes and dislikes (column 9 line 26) and further to afford the purchaser satisfactory alternatives that lead to a sale (column 7 lines 28-29), as taught by Pulliam et al. Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to combine a method of electronic commerce, as taught by InterGis, with using the application specific information to identify a further sales opportunity, as taught by Pulliam et al., for the explicit reasons discussed therein above.

Regarding Claim 21, InterGis discloses all the limitations of Claim 20 above. InterGis also discloses providing default data for various parts of his website (see fields on pages 1, 2 and 3 where the default data reside on his website). InterGis does not disclose using a plurality of pull down menus to the prospective purchaser via the internet website to facilitate communication of the application specific information. Pulliam et al. does disclose using pull down menus (column 9 line 41). Pulliam et al.'s pull down menus would enhance InterGis website by making a larger variety of information readily customizable. Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to combine the limitations disclosed by InterGis with the pull down menus with default information, as disclosed by Pulliam et al. for the explicit reasons discussed therein above.

9.   Claim 9 rejected under 35 U.S.C. 103(a) as being unpatentable over InterGis in view of Morlok (Reference C: "Using the Internet to reduce Inventory", Machine Design, June 15, 2000, p. 166).

InterGis discloses all of the limitations of Claim 1 and 9 except for handling upgrades. Morlok discusses using an database application in a website where users can input application specific information for a variety of product upgrades and further calculating operating savings and costs associated with the upgrade (Reference C paragraph G). Combining Morlok's capability of handling more than one product upgrade with the ecommerce aspects of InterGis' website would provide prospective users with the opportunity to produce return on investment parameters for a variety of product upgrades. Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to combine providing the limitations of Claim 1, as disclosed by InterGis, with the capability of calculating product upgrades' costs and savings, as disclosed by Morlok, for the explicit reasons discussed therein above. Note the terms "off-highway mining vehicle", "vehicle", "mine", "total system" and "total system operation" are not granted any patentable weight and are considered to be non-functional descriptive material in the Claim.

10.   Claim 11 rejected under 35 U.S.C. 103(a) as being unpatentable over Morlok in view of Pulliam et al.

Regarding Claim 11, Morlok discloses all of the limitations of Claim 10, as noted above. Morlok does not disclose using data to identify a recommended product to be purchased by the prospective purchaser. Pulliam et al. teaches using data to analyze for the purpose of identifying potential buyer likes and dislikes (column 9 lines 26-27) and developing recommendations (column 9 line 27) and for use in further sales opportunities to communicate the

recommendations to prospective purchasers (column 8 lines 57-59). Using data

from customers evaluating upgrades to recommend specific products would

improve the cost savings analysis website tool disclosed by Morlok. Therefore it

would have been obvious to one having ordinary skill in the art at the time of the

invention to combine the limitations of Claim 10 with using the data to identify a

recommended product to be purchased by the prospective purchaser, and

communicating the recommendation to the prospective purchaser, as taught by

Pulliam et al., for the explicit reasons discussed therein above.

11.   Claims 12, 15 and 16 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Morlok in view of InterGis.

        Regarding Claim 12, Morlok discloses all of the limitations of Claim 10, as

noted above. Morlok also discloses creating an Internet website containing

information related to a plurality of products (paragraph G line1-2), receiving

application specific information related to the prospective purchaser's use of a

vehicle (paragraph G line 3). Morlok does not disclose using producing a return

on investment parameter responsive to the application specific information.

Morlok does calculate an annual savings parameter. InterGis does disclose

calculating a return on investment parameter responsive to the application

specific information (Reference B: paragraph E) and communicating the return

on investment parameter to the prospective purchaser via the information

network. Calculating return on investment parameters responsive to application

specific information on a plurality of products would improve the cost savings

analysis website tool disclosed by Morlok since it would provide a more

comprehensive analysis of the investment required to purchase a product.

Therefore it would have been obvious to one having ordinary skill in the art at the

time of the invention to combine the limitations of Claim 10 with providing an

Internet web site containing information related to a plurality of products;

receiving application specific information related to the prospective purchaser's

projected use of a plurality of products or upgrades, as disclosed by Morlok, with

producing a return on investment parameter responsive to the application

specific information for at least one of a plurality of products; and communicating

the return on investment parameter to the prospective purchaser via the

information network, as taught by InterGis, for the explicit reasons discussed

therein above. Note the terms "vehicle" and "vehicles" are not granted any

patentable weight and are considered to be non-functional descriptive material in

the Claim.

Regarding Claim 15, Morlok discloses all of the limitations of Claim 10, as

noted above. Morlok also discloses creating an Internet website containing

information related to a plurality of products (paragraph G line1-2), receiving

application specific information related to the prospective purchaser's use of a

vehicle (paragraph G line 3). Morlok does not disclose using producing a return

on investment parameter responsive to the application specific information.

Morlok does calculate an annual savings parameter. InterGis does disclose

calculating a return on investment parameter responsive to the application

specific information (Reference B: paragraph E), and communicating the return

on investment parameter to the prospective purchaser via the information

network. Calculating return on investment parameters responsive to application specific information on a plurality of products would improve the cost savings analysis website tool disclosed by Morlok since it would provide a more comprehensive analysis of the investment required to purchase a product. Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to combine providing an Internet web site containing information related to a product upgrade, receiving application specific information related to the prospective purchaser's projected use of product upgrade, as disclosed by Morlok, with producing a return on investment parameter responsive to the application specific information for an upgrade product, and communicating the return on investment parameter to the prospective purchaser via the information network, as taught by InterGis, for the explicit reasons discussed therein above. Note the terms "locomotive" and "railway" are not granted any patentable weight and are considered to be non-functional descriptive material in the Claim.

Regarding Claim 16, Morlok and Pulliam discloses all of the limitations of Claim 15, as noted above. Morlok also discloses creating an Internet website containing information related to a number of product upgrades (paragraph G line1-2), receiving application specific information related to the prospective purchaser's use of a product (paragraph G line 3). Morlok does not disclose using producing a return on investment parameter responsive to the application specific information. Morlok does calculate an annual savings parameter. InterGis does disclose calculating a return on investment parameter responsive

to the application specific information (Reference B: paragraph E) and

communicating the return on investment parameter to the prospective purchaser

via the information network. Calculating return on investment parameters

responsive to application specific information on product upgrades would

improve the cost savings analysis website tool disclosed by Morlok since it would

provide a more comprehensive analysis of the investment required to purchase a

product. Therefore it would have been obvious to one having ordinary skill in the

art at the time of the invention to combine providing an Internet web site

containing information related to a product upgrade; receiving application specific

information related to the prospective purchaser's projected use of product

upgrade, as disclosed by Morlok, with producing a return on investment

parameter responsive to the application specific information for an upgrade

product; and communicating the return on investment parameter to the

prospective purchaser via the information network, as taught by InterGis, for the

explicit reasons discussed therein above. Note the terms "locomotive" and

"railway" are not granted any patentable weight and are considered to be non-

functional descriptive material in the Claim.

12.   Claims 13 and 17 rejected under 35 U.S.C. 103(a) as being unpatentable

over Morlok in view of InterGis and further in view of Pulliam et al.

        Regarding Claim 13, Morlok and InterGis disclose all of the limitations of

Claim 12, as noted above. Morlok and InterGis do not disclose receiving

application specific information related to the terrain over which the prospective

purchaser anticipates use of a vehicle. Pulliam et al. discloses receiving

application specific information related to the terrain over which the prospective

purchaser anticipates use of a vehicle (column 23, line 21) by allowing the

prospective purchaser to specify whether a vehicle is four- or two-wheel drive.

Receiving application specific information related to the terrain over which the

prospective purchaser anticipates use of a vehicle would improve the producing

of a return on investment parameter since the prospective purchaser could

determine the impact of the additional cost, for example, of selecting four wheel

drive over two wheel drive, on the return on investment parameter. Therefore it

would have been obvious to one having ordinary skill in the art at the time of the

invention to combine the limitations of Claim 12 with receiving application specific

information related to the terrain over which the prospective purchaser

anticipates use of a vehicle, as taught by Pulliam et al., for the explicit reasons

discussed therein above. Note the term "vehicle" is not granted any patentable

weight and are considered to be non-functional descriptive material in the Claim.

Regarding Claim 17, Morlok and InterGis disclose all the limitations of

Claim 16 above. Morlok and InterGis do not disclose using the return on

investment parameters to identify a recommended upgrade product. Pulliam et

al. teaches that gathering information from prospective purchasers to analyze in

a database (column 9 line 21) to understand prospective purchaser's wants and

needs (column 9 line 26-27) and further identify further sales opportunities in a

useful step in electronic commerce (column 7 line 29). Combining InterGis' and

Morlok's method of electronic commerce to produce a return on investment

parameter, as disclosed in Claims 15 and 16, with Pulliam et al.'s teaching of

using application specific information from prospective purchaser's to analyze

further sales opportunities would provide the prospective purchaser with a more

comprehensive understanding of the investment implications of purchasing a

product upgrade. Therefore it would have been obvious to one having ordinary

skill in the art at the time of the invention to combine a method of electronic

commerce producing a return on investment parameter, as disclosed by Morlok

and InterGis in Claims 15 and 16 above, with utilizing the return on investment

parameter to identify an upgrade product, as disclosed by Pulliam et al., for the

explicit reasons discussed therein above. Note the term "locomotive" is not

granted any patentable weight and is considered to be non-functional descriptive

material in the Claim.

Conclusion

13.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. Guheen et al. U.S. Patent 6,519,571, discloses an

invention for using various user indicia for the purposes of customizing a user

interface. Katz et al. U.S. Patent 6,055,513 discloses an invention for electronic

commerce. Melchione et al. U.S. Patent 5,930,764 discloses an invention for

sales and marketing support using a customer information database. Crooks et

al. U.S. Patents 5,930,773 and 6,088,688 discloses inventions for computerized,

online utility management. Johnson U.S. Patent 5,493,490 discloses an

invention for preparation of electronic proposals for selling vehicles. Shoquist et

al. U.S. Patent 5,361,199 discloses an invention for electronic procurement with

multi-system data access. Dworkin U.S. Patent 4,992,940 discloses an invention

for automated selection of equipment through input of user-desired specifications. Weiss et al. U.S. Patent 4,992,940 discloses an invention for electronic display of various types of financial data and investment instruments. Smith et al. U.S. Patent 6,052,669 discloses an invention for online configuration and ordering of furniture systems. Chelliah et al. U.S. Patent 5,710,887 discloses an invention for a method of electronic commerce.

14.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan G. Sterrett whose telephone number is 703-305-0550. The examiner can normally be reached from 8am-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 703-305-9643. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600